

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claims 1, 19 and 20. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 101**

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Applicant has amended the claim in the manner suggested by the Examiner. The Applicant respectfully requests the allowance of claim 19.

### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1, 6, 9-15, 19-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by WINCHELL, et al. (US 2002/0151321A1). The Applicant respectfully traverses the rejection of these claims.

The Winchell reference discloses a method and system of delivering information to communication devices with a group communication system. The Winchell reference appears to disclose an informational message server (12) that acts as a 'point' for sending informational messages to a communications devices in a group in this point-to-multipoint system (Figure 1 and para. [0025]). The informational message server is associated with a communications net (separate communications group) and billing can be generated for the transmitted messages as a function of the group participation. (para. [0015]).

MPEP § 2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the

... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Applicant respectfully directs the Examiner's attention to amended claim 1:

1. (Currently Amended) A method of managing point-to-multipoint services in a mobile communication network, said method comprising:  
receiving from a mobile station a request for accessing a point-to-multipoint service, said request comprising a subscriber identifier of the subscriber placing the request and a point-to-multipoint service identifier of the point-to-multipoint service for which access is being requested,  
storing a subscriber identification for the subscriber, placing the request in association with a point-to-multipoint service identification for the point-to-multipoint service for which access is being requested,  
performing an access enabling procedure,  
providing accounting information to an accounting entity of said mobile communication network in which accounting for the point-to-multipoint service is performed considering a number of subscribers, who placed the request for accessing the point-to-multipoint service and a provider of the point-to-multipoint service, said accounting information identifying the subscriber who placed the request together with the point-to-multipoint service for which access was requested; and  
sending to the accounting entity of the point-to-multipoint service accounting information regarding the subscribers and the point-to-multipoint service, according to a tariff. (emphasis added)

The Applicant respectfully submits that the Winchell reference does not anticipate the original limitations of claim 1. Even so, the Applicant has amended claim 1 to add a "sending" step to more clearly claim the Applicant's invention. Support for this amendment is found on page 3, lines 35-37.

The Applicant's present invention discloses and claims storing subscriber identification and associating the subscriber identification with a point-to-multipoint (PTM) service identifier. Additionally, in the amendment, claim 1 also provides a limitation that allows for providing information that can be used to bill or pay the PTM service (page 3, line 35 to page 4, line 3) as claimed in the dependent claims. As noted in many places throughout the Specification, the association of the subscriber and PTM identifiers provides for "... proper accounting for a given PTM service to take place, e.g. it can be ensured that the accessing subscribers pay for the service if it is a service that requires payment. Furthermore, due to the fact that subscriber identification is stored for

each requesting subscriber, accounting can be performed for the individual subscribers, e.g. each subscriber can be billed or charged individually.” (page 3, lines 11-18).

Contrary to the Examiner’s statement that all elements are disclosed in the Winchell reference, the limitation regarding subscriber and PTM identifiers is not disclosed. That is, the Winchell reference does not disclose a point (informational message server) identifier that could be associated with a subscriber identifier as in the Applicant’s claim. So, the rejection is unsupported by the art and the Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 6, 9-15 recite further limitations in combination with the novel elements of claim 1. Independent claims 19 and 20 are analogous to claim 1 and contain similar limitations. Claim 21 depends from independent claim 20. Therefore, the allowance of claims 1, 6, 9-15, and 19-21 is respectfully requested

#### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 2, 3, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WINCHELL et al (US 2002/0151321A1) in view of HERZOG, et al. IEEE/ACM Transactions of Networking, Vol. 5, No. 6, “Sharing the “Cost” of Multicast Trees: An Axiomatic Analysis” (hereinafter HERZOG). The Applicant respectfully traverses the rejection of these claims.

Claims 2, 3, 7 and 8 depend directly or indirectly from claim 1 and contain the same limitations. The HERZOG reference does not supply the limitations lacking in the Winchell reference. This being the case, the Applicant respectfully requests the allowance of claims 2, 3, 7 and 8.

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WINCHELL et al (US 2002/0151321A1) in view of HERZOG, et al. IEEE/ACM Transactions of Networking, Vol. 5, No. 6, “Sharing the “Cost” of Multicast Trees: An Axiomatic Analysis” (hereinafter HERZOG), and further in view of BRISCOE et al (US 2005/0286488). The Applicant respectfully traverses the rejection of these claims.

Claims 4 and 5 depend directly or indirectly from claim 1 and contain the same limitations. Neither the HERZOG nor the Briscoe references supply the limitations lacking in the Winchell reference. This being the case, the Applicant respectfully requests the allowance of claims 4 and 5.

Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over WINCHELL et al (US 2002/0151321A1) in view of WAHL et al (US 2002/0089985). The Applicant respectfully traverses the rejection of these claims.

Claims 16-18 depend directly or indirectly from claim 1 and contain the same limitations. The Wahl reference fails to supply the limitations lacking in the Winchell reference. This being the case, the Applicant respectfully requests the allowance of claims 16-18.

#### **Prior Art Not Relied Upon**

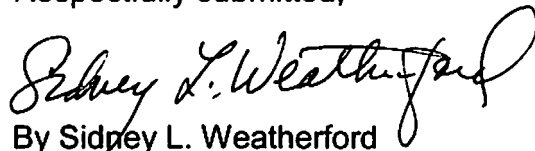
In paragraph 10 on page 15 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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